



WASHOE COUNTY

Integrity Communication Service

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CM/ACM	
Finance	JB
DA	
Risk Mgt	N/A
HR	N/A
Other	-

STAFF REPORT

BOARD MEETING DATE: *September 12, 2017*

DATE: Wednesday, August 30, 2017

TO: Board of County Commissioners

FROM: Kate Thomas, Assistant County Manager
328-2008, KAThomas@washoecounty.us

THROUGH: John Slaughter, County Manager

SUBJECT: Approve the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period October 1, 2017 through June 30, 2018 [not to exceed \$115,875.00] and if approved, authorize the County Manager to execute the contract. (A11 Commission Districts)

SUMMARY

On June 25, 2013, the Board approved a three year agreement between the County of Washoe and Robert C. Bell, Esq. for professional legal services as the Appointed Counsel Administrator pursuant to the Model Court Plan of the Second Judicial District filed with the Supreme Court under ADKT No. 411.

On June 27, 2017, the contract was extended three months (through September 2017) with the intent to solicit for a competitive bid via the RFP process. With the September 30, 2017 contract expiration approaching and changes in key staff, it is recommended the Commission approve the extension of the Council Administrator services while the RFP process and other options are analyzed and evaluated.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

On June 27, 2017, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period July 1, 2017 through September 30, 2017 [not to exceed \$38,625.00].

On March 28, 2017, the Board approved the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of April 1, 2017 through June 30, 2017 [not to exceed \$38,625.00] and authorized the County Manager to execute contract.

AGENDA ITEM # _____

On December 13, 2016, the Board approved the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of January 1, 2017 through March 31, 2017 [not to exceed \$38,625.00] and authorized the County Manager to execute the contract.

On October 25, 2016, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of November 1, 2016 through December 31, 2016 [not to exceed \$25,750.00]

On June 28, 2016, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of July 1, 2016 through October 31, 2016 [not to exceed \$51,500]

On June 25, 2013, the Board approved a three year agreement between the County of Washoe and Robert C. Bell, Esq. for professional legal services as the Appointed Counsel Administrator pursuant to the Model Court Plan of the Second Judicial District filed with the Supreme Court under ADKT No. 411

On June 12, 2012, the Board approved an addendum extending the contract for an additional year.

On June 28, 2011, the Board approved awarding Agreement for Appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for one year effective July 1, 2011 with the option to renew for two additional one-year terms.

On June 14, 2011, the Board deferred an item to clarify the term of the agreement was for one year effective July 1, 2011, with the option to renew for two additional one-year terms.

On May 25, 2010, the Board approved a second and final addendum to renew for one year, the contract with Bell for professional legal services as the ACA.

On June 23, 2009, the Board approved an addendum to renew for one year, the contract with Bell for professional legal services as the ACA.

On June 24, 2008, the Board approved a one-year agreement with Bell for professional legal services as the ACA.

BACKGROUND

In its order dated January 4, 2008, the Supreme Court required each judicial district to file a plan for the provision and administration of indigent public defense. Accordingly on May 1, 2008, the Chief Administrative Judge of the Second Judicial District filed the Model Court Plan for indigent defense which became effective July 1, 2008.

The Plan calls for the administration of the process to appointed counsel both in conflict cases and on behalf of the court, to be provided under a contract by a qualified attorney. As the administrator, the attorney is specifically excluded from providing representation in appointed counsel cases.

Robert Bell has provided conflict counsel services to the County beginning with the first of two contracts dating back to July 1, 2007. Since the beginning of the contract, the implementation of the 2008 plan has led to an extensive scope in services as outlined in the attached agreement. Caseload has been affected by policy shifts based on precedents set in ongoing case law. Specifically, caseload data shifted dramatically from its peak in FY 12-13 to 425 cases in the past fiscal year. Currently the caseload is rising primarily based on issues specific to the criminal court log implemented through District Court. The current caseload summary is as follows:

Fiscal Year 12/13	786 cases (including 48 Category A cases)
Fiscal Year 13/14	743 cases (including 58 Category A cases)
Fiscal Year 14/15	359 cases (including 41 Category A cases)
Fiscal Year 15/16	300 cases
Fiscal Year 16/17	425 cases (including 14 Category A cases)

As a result of the caseload reduction, a Request for Proposal was released to address both financial and programmatic changes with the selection. Since there was an insufficient response to the RFP, staff is going to release a new RFP to address both budget detail and caseload increases. It is anticipated that this should be completed in no longer than 90 days, at which time an item will be brought forward for Board action. Pursuant to the current agreement which expires on June 30, 2017, this is a request for a renewal for a period not to exceed 90 days to complete the selection of a vendor.

FISCAL IMPACT

Funding in an amount not to exceed \$115,875.00 is available in the County Manager's Conflict Counsel FY 17-18 budget (C101010).

RECOMMENDATION

Approve the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period October 1, 2017 through June 30, 2018 [not to exceed \$115,875.00] and if approved, authorize the County Manager to execute the contract.

POSSIBLE MOTION

If the Board agrees, a possible motion would be "Approve the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period October 1, 2017 through June 30, 2018 [not to exceed \$115,875.00] and if approved, authorize the County Manager to execute the contract."